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In re Application of:
Jira et al.
Serial No.: 09/935,344
Filed: August 23, 2001
Attorney Docket No.: 22220-00003-US

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on August 25, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed December 17, 2003.

A review of the file history shows that the examiner mailed an Office action (restriction requirement) to applicants on July 2, 2003, setting a one-month statutory time period for reply. On December 17, 2003, the examiner mailed a non-final Office action to applicants, setting a three-month statutory time period for reply. On August 10, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on March 16, 2004, as evidenced by a copy of the Auto-Reply fax confirmation page showing receipt of the response by the USPTO on March 16, 2004 at 3:16:29 PM. The confirmation page also shows receipt of an Amendment Transmittal, Amendment, Revocation of Power of Attorney and Change of Correspondence Address, and Certificate of Transmission under 37 CFR 1.8. Applicants also provide a copy of the response to the Office action with the petition. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the elected invention on the merits.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel, Jr.

Jasemine C. Chambers
Director, Technology Center 1600